

REMARKS

Claims 13-15 were pending in the present application. New claims 16-19 have been added herein. Thus claims 13-19 are now pending. The applicant respectfully requests reconsideration and allowance of the present application in view of the above amendments and the following remarks.

The applicant notes with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all certified copies of the priority documents have been received.

The applicant acknowledges and appreciates receiving a copy of the form PTO-1449 submitted with the Information Disclosure Statement filed on November 1, 2000, on which the Examiner has initialed all listed items.

Claims 13-15 stand rejected under 35 USC §102(b) as being allegedly anticipated by Applicant's allegedly Admitted Prior Art (AAPA). The rejection is respectfully traversed.

In claim 13, as amended, the movable direction of the movable element 12 is parallel to the surface of the substrate 1. The microstructure 16, 17 is formed on the surface of the movable element 12 and the surface of the stationary element 13. The surface of the movable element 12 faces the surface of the stationary element 13, which is perpendicular to the movable direction of the movable element 12. Thus, the surfaces of the movable element 12 and the stationary element 13 perpendicular to the movable direction are roughened.

Applicants note that, in the AAPA shown in Fig. 15E, only the surface of the substrate (120) is roughened. Therefore, the surface of the movable element (125) is not roughened. Further, the roughened surface of the substrate is parallel to the substrate so that the roughened surface is parallel to the movable direction of the movable element.

Accordingly, for at least the reasons set forth hereinabove, a *prima facie* case of anticipation has not properly been established in that the AAPA fails to disclose all the claimed features as required. It is respectfully requested that the rejection of independent claim 13 be reconsidered and withdrawn.

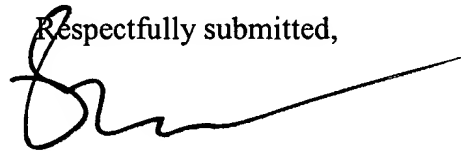
Claims 14 and 15, by virtue of depending from independent claim 13, are allowable for at least the reasons set forth hereinabove. It is respectfully requested therefore that the rejection of claims 14 and 15 be reconsidered and withdrawn.

New claims 16-19, contain feature distinguishable over the prior art such as etching a semiconductor layer formed on said substrate to define a structure of a stationary element and a movable element, the etching including forming the microstructure on at least one of said opposing surfaces of the movable element and the stationary element. Favorable consideration is requested.

In view of the foregoing, the applicant respectfully submits that the present application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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